



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

ARAS

Atty. Ref.: 888-29

Serial No. 09/331,756

Group: 2711

Filed: August 23, 1999

Examiner: H. Tran

For: TELEVISION BROADCAST SYSTEM AND METHOD

* * * * *

August 8, 2002

RECEIVED

Assistant Commissioner for Patents
Washington, DC 20231

AUG 12 2002

Technology Center 2600

Sir:

RESPONSE AFTER FINAL REJECTION

In response to the Office Action dated May 8, 2002, Applicant offers the following remarks.

In the Office Action, the Examiner has continued to reject all claims 38-59 over the art previously cited including Nemirofsky with respect to claims 38-41, 44, 47-49, 51, 53 and 56-59; Nemirofsky in view of Seth-Smith et al. with respect to claims 42 and 50; and Nemirofsky in view of Harvey et al. with respect to claims 43, 45, 46, 52 and 54-55. Applicant respectfully traverses all of the Examiner's §§ 102 and 103 rejections of the claims as being based on unpermissible hindsight and erroneous reading of the cited references, as will be described in greater detail below.

At page 2 of the Office Action, with respect to claim 38, the Examiner disputes Applicant's contention that Nemirofsky is not related to a TV broadcast system and method. In disputing Applicant's contention the Examiner states that Figure 1 of the

cited reference discloses a TV broadcast system. To the contrary, the description in the cited reference at column 4, lines 5-6 describes Figure 1 as a "block diagram of the video distribution network of the present invention." (emphasis added) Thus, contrary to the Examiner's assertion, the cited reference itself states that Nemirofsky is not a TV broadcast system and method.

Indeed, the fifteenth edition of "Newton's Telecom Dictionary" defines the terms TV and broadcast as, *inter alia*,

In the less intelligent world of "broadcast media," a local TV or radio station might use a terrestrial antenna or a satellite system to transmit information from a single source to any TV set or radio capable of receiving the signal within the area of coverage.

Nemirofsky's system simply does not meet this definition of a TV broadcast system. Instead, Nemirofsky relates to a video media distribution network apparatus and method where programs can be only viewed in the particular chains of stores where they are delivered. On the other hand, the system disclosed and claimed in independent claims 38, 47 and 56-59 can be viewed as long as the viewers tune to the TV station to which the system units are coupled, and the system operates during TV broadcasts from a TV continuity studio. The distribution center of Nemirofsky is not located within a TV continuity studio, and therefore, the broadcast flow unit of the claimed invention is not found in Nemirofsky to operate its distribution center. Thus, at least for these reasons alone, there can be no anticipation as every element of the claim is not identical.

Moreover, the video distribution network of Nemirofsky is defined by "Newton's Telecom Dictionary" in its definition for video networking, *inter alia*, as

Video networking is really an architecture that supports a range of business applications featuring video communications. These applications can be deployed over the video network to span the LAN and

WAN environments. Furthermore, if the video network is deployed properly, it can provide a consolidated (data, voice and video) WAN access solution across the enterprise.

Thus, video networks are clearly much more restricted in scope and in broadcast capabilities as compared to TV broadcast systems and are clearly different technologies as pointed out by Newton's Telecom Dictionary.

The Examiner also argues in the Office Action, at page 2, that Nemirofsky "generates alphanumeric characters and/or image data at a central site" because it discloses a logo generator. Suffice it to say, that the cited reference's disclosure of a logo generator does not constitute the generation of alphanumeric characters and/or image data, as disclosed and claimed in the present application. Indeed, at page 3 of the Office Action, the Examiner contradicts himself when he claims that Nemirofsky detects whether the alphanumeric characters and/or image data have been received correctly at the remote sites by virtue of the disclosure of the data receiver and message task described at column 9, lines 53-57 and column 16, lines 7-36 of the cited reference. If the Examiner's prior statement that the logo generator constitutes the generation of alphanumeric characters and/or image data is correct, then it follows that the cited reference must have a method or means for detecting whether the logo has been correctly received if it is to meet the "detecting" limitation of the independent claims. Needless to say, no such way or means is disclosed, or even suggested, anywhere in the cited reference. Thus, even if the Examiner's assertion that logo generation constitutes Applicant's claimed generation of alphanumeric data is correct, which Applicant does not concede, then the cited reference fails to teach or suggest Applicant's claimed feature of detecting the accuracy of the alphanumeric data.

Since the cited Nemirofsky reference does not teach or suggest the above described features of claim 38, claim 38 is believed to patentably define thereover. In addition, since these same features are present in all of independent claims 47, 56, 57, 58 and 59, these claims are also believed to patentably define over the cited reference. Moreover, the secondary references relied upon by the Examiner do not solve the deficiencies noted above with respect to Nemirofsky and, accordingly, all of the claims standing in the present case are believed to patentably define over all of the cited art taken either singly or in combination.

Therefore, in view of the above remarks, it is respectfully requested that the application be reconsidered and that all of claims 38-59, standing in the application, be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response or an Examiner's amendment, the Examiner is respectfully requested to contact the undersigned at the local telephone exchange indicated below.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

Chris Comuntzis
Reg. No. 31,097

CC:lmr
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

THE UNITED STATES PATENT AND TRADEMARK OFFICE

RESPONSE UNDER RULE 116
EXPEDITED HANDLING PROCEDURES

Atty Dkt. 888-29

C#/M#

Group Art Unit: 2711

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RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

Fees are attached as calculated below:

Total effective claims after amendment 22 minus highest number
Previously paid for 24 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 6 minus highest number
Previously paid for 6 (at least 3) = 0 x \$ 84.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this
Paper and attachment(s) (\$110.00/1 month; \$400.00/2 months; \$920.00/3 months) \$ 0.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$740.00) \$ 0.00

☐ Please enter the previously unentered, filed

☐ Submission attached

SUBTOTAL \$ 0.00

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: 0.00

TOTAL FEE ENCLOSED \$ 0.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8th Floor

Arlington, Virginia 22201-4714

Telephone: (703) 816-4000

Facsimile: (703) 816-4100

CC:lmr

NIXON & VANDERHYE P.C.

By Atty.: Chris Comuntzis, Reg. No. 31,097

Signature: 